

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.2773 2007

Date:15.02.2007

Between:

D.Ambedkar Kumar

.. PETITIONER

AND

The Joint Registrar/District Cooperative Officer,
Machilipatnam, Krishna District & others.

..RESPONDENTS

ORDER:

The petitioner states that he is one of the Directors of Vijaya Bhaskara Cooperative Collecting Farming Society Limited, Puligadda, Avanigadda Mandal, the sixth respondent herein. He states that the society comprised of 56 members and that the Government had allotted Acs.56.46 cents to enable the members to undertake collective cultivation. It is stated that with the collusion of some of the members of the society in control of administration, some non-members have encroached into the lands allotted to the society and even after this Court held in W.P.No.19362 of 2003 to the effect that the admission of such members into the society is contrary to law, they are still in possession and enjoyment of the land. It is stated that the Divisional Cooperative Officer, the second respondent herein, addressed a letter, dated 29.12.2006, to the Station House Officer, the fourth respondent herein, for taking necessary steps for removal of encroachments and he complains that no action has been taken thereon. The petitioner seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner, the learned

Government Pleader for Cooperation and the learned Government Pleader for Revenue.

Had it been a dispute between the Society and its members or the members *inter se*, there would have been a possibility for the petitioner to avail the remedy under Section 61 of the Andhra Pradesh Cooperative Societies Act, 1964. The land belonging to the society is said to be in possession of non-members. Therefore, the society as well as the authority, which allotted the land i.e. the District Collector, the fifth respondent herein, are under obligation to ensure that such illegal encroachments are removed forthwith. This Court is of the view that the letter addressed by the second respondent to the fourth respondent cannot lead to any legal consequences.

The writ petition is accordingly disposed of, directing the first respondent i.e. the Joint Registrar/District Cooperative Officer, Krishna District and the District Collector, Krishna at Machilipatnam, the fifth respondent, to take necessary steps in accordance with law for removal of the encroachments in the land allotted to the sixth respondent-society, within three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

15.02.2007

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